

REMARKS

Reconsideration of the application is requested.

Claims 14-25 are now in the application. Claims 14-25 are subject to examination. Claims 14 and 25 have been amended. Claims 27-30 have been canceled to facilitate prosecution of the instant application.

Applicant and counsel very much appreciate the effort and the courtesy of the Examiner and the Examiner's supervisor in extending a telephone interview on December 1, 2009. Counsel had sent the Examiner a proposed amendment and an agenda highlighting proposed claims on November 23, 2009. During the interview, the disclosures of Hormel et al. and Tornare and were discussed as well as the proposed amendments to claim 28.

Claims 14 and 28 have been amended to better define the invention. Support for the changes can be found by referring, for example to page 4, lines 1-9 and to page 19, line 23 through page 20, line 2 of the translated specification.

Claims 14 and 28 now specify: said sensor resistor sensing an oil level of an engine of a motor vehicle with a sensitivity being substantially independent of an initial temperature of said sensor resistor. Applicants believe that none of the cited prior art teaches or suggests such features.

Under the heading "Claim Rejections – 35 USC § 103" on page 2 of the above-identified Office Action, claims 14 and 21-23 have been rejected as being obvious over French Patent Publication No. FR2835056 to Tornare under 35 U.S.C. § 103.

Claim 14 now specifies: said sensor resistor sensing an oil level of an engine of a motor vehicle with a sensitivity being substantially independent of an initial temperature of said sensor resistor. Applicants believe that none of the cited prior art teaches or suggests such features.

Under the heading "Claim Rejections – 35 USC § 103" on page 5 of the above-identified Office Action, claims 25, 27, 28 29 and 30 have been rejected as being obvious over French Patent Publication No. FR2835056 to Tornare in view of U.S. Patent No. 4,550,261 to Hormel et al. under 35 U.S.C. § 103.

Claim 25 now specifies: said sensor resistor sensing an oil level of an engine of a motor vehicle with a sensitivity being substantially independent of an initial temperature of said sensor resistor. Applicants believe that none of the cited prior art teaches or suggests such features.

Column 3, lines 44-54 of Hormel et al., which has been cited by the Examiner, teach that the temperature of the sensor resistor will be held at a low level if the sensor resistor is in the oil, whereas the temperature of the sensor resistor will rise if the oil level drops such that sensor resistor is no longer in the oil. This

teaching does not in any way relate to the added limitations of claim 25 (or of claim 14).

Tornare teaches nothing relating to the added limitations. Even if one did combine the teachings in some way, the invention as now defined by claim 14 or claim 25 would not have been obtained.

Applicant also believes that one would not have combined the teachings of Tornare and Hormel et al. because the circuits are designed to serve different purposes. Tornare teaches a circuit for measuring the actual height of the liquid (see the sixth paragraph after the description of the drawings), whereas Hormel et al. teach a circuit that only gives an indication as to whether the oil level is acceptable or unacceptable (see paragraph 2, lines 12-16).

Under the heading "Claim Rejections – 35 USC § 103" on page 7 of the above-identified Office Action, claims 15-16 and 18 have been rejected as being obvious over French Patent Publication No. FR2835056 to Tornare in view of U.S. Patent No. 6,917,243 B2 to Doherty et al. under 35 U.S.C. § 103.

Applicants believe that neither Tornare nor Doherty et al. teach the limitations that have been added to claim 14 and that therefore, the invention as defined by claims 15-16 and 18 would not have been suggested.

Under the heading “Claim Rejections – 35 USC § 103” on page 8 of the above-identified Office Action, claim 17 has been rejected as being obvious over French Patent Publication No. FR2835056 to Tornare in view of U.S. Patent No. 6,917,243 B2 to Doherty et al. and further in view of U.S. Patent No. 4,151,456 to Black under 35 U.S.C. § 103.

Applicants believe that neither Tornare, Doherty et al., nor Black teach the limitations that have been added to claim 14 and that therefore, the invention as defined by claim 17 would not have been suggested.

Under the heading “Claim Rejections – 35 USC § 103” on page 9 of the above-identified Office Action, claim 26 has been rejected as being obvious over French Patent Publication No. FR2835056 to Tornare in view of U.S. Patent No. 4,151,456 to Black under 35 U.S.C. § 103.

Claim 26 has been canceled.

Under the heading “Claim Rejections – 35 USC § 103” on page 10 of the above-identified Office Action, claims 19 and 20 have been rejected as being obvious over French Patent Publication No. FR2835056 to Tornare in view of U.S. Patent No. 6,917,243 B2 to Doherty et al. and further in view of U.S. Patent No. 6,873,838 B2 to Mapes under 35 U.S.C. § 103.

Applicants believe that neither Tornare, Doherty et al., nor Mapes teach the limitations that have been added to claim 14 and that therefore, the invention as defined by claims 19 and 20 would not have been suggested.

Under the heading "Claim Rejections – 35 USC § 103" on page 11 of the above-identified Office Action, claim 20 has been rejected as being obvious over French Patent Publication No. FR2835056 to Tornare in view of U.S. Patent No. 6,917,243 B2 to Doherty et al. and in view of U.S. Patent No. 6,873,838 B2 to Mapes and further in view of U.S. Publication No. 2003/0011434 A1 to Luo et al. under 35 U.S.C. § 103.

Applicants believe that neither Tornare, Doherty et al., Mapes, nor Luo et al. teach the limitations that have been added to claim 14 and that therefore, the invention as defined by claim 20 would not have been suggested.

Under the heading "Claim Rejections – 35 USC § 103" on page 12 of the above-identified Office Action, claim 24 has been rejected as being obvious over French Patent Publication No. FR2835056 to Tornare in view of U.S. Publication No. 2002/0084844 A1 to Monroe under 35 U.S.C. § 103.

Applicants believe that neither Tornare nor Monroe teach the limitations that have been added to claim 14 and that therefore, the invention as defined by claim 24 would not have been suggested.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 14 or claim 25. Claims 14 and 25 are, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claim 14.

Finally, applicant appreciatively acknowledges the Examiner's statement that claim 28 "would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims."

Claim 28 has been canceled.

In view of the foregoing, reconsideration and allowance of claims 14-25 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

Please charge any fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner Greenberg Sterner LLP, No. 12-1099.

Appl. No. 10/582,449
Reply to Office Action of September 25, 2009
Amdt. Dated December 7, 2009

Respectfully submitted,

/Mark P. Weichselbaum/
Mark P. Weichselbaum
(Reg. No. 43,248)

MPW:cgm

December 7, 2009

Lerner Greenberg Sterner LLP
P.O. Box 2480
Hollywood, Florida 33022-2480
Tel.: (954) 925-1100
Fax: (954) 925-1101